



12-07-05

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R.1.10, Mailing Label No. EV528198837US and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: December 5, 2005

W. L.
William Liddell, Jr.

PATENT
409475-40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GARY STEPHEN SHUSTER

Serial No.: 09/932,431

Filed: August 17, 2001

Title: METHOD AND APPARATUS FOR
IMPROVING BANDWIDTH EFFICIENCY IN A
COMPUTER NETWORK

Art Unit: 2143

Examiner: Asghar H. Bilgrami

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed June 3, 2005, finally rejecting Claims 21-36.

The item(s) checked below are appropriate:

1. A petition and fee for extension of term for reply to the final rejection is attached.

| 12/08/2005 MBIZUNES 00000031 09932431

2. Appeal fee | 01 FC:2401 | 250.00 0P

other than a small entity

small entity

Serial No. 09/932,431
December 5, 2005
Page 2

3. Payment

Check attached for the sum of **\$760.00** (\$250.00 for Notice of Appeal filing fee and \$510.00 for the three-month extension of time pursuant to 37 CFR §1.17(a)(3)). A duplicate copy of this notice is attached.

The Commissioner of Patents is authorized to charge any amount due, or credit any overpayment, to Deposit Account No. 50-0639. A duplicate copy of this paper is enclosed.

Respectfully submitted,



Brian M. Berliner
Attorney for Applicant
Registration No. 34,549

Date: December 5, 2005

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000